

JOSEPH BURGESSON :  
 :  
 v. : CASE NO: 3:06cv1663 (WWE) (HBF)  
 :  
 DOWNING, et al. :

Defendants Faughnan and Vegliante move to dismiss the complaint against them in their official capacities on the ground that they are protected by Eleventh Amendment immunity. For the reasons that follow, the motion will be granted.

The Eleventh Amendment provides immunity from suit for monetary damages for the state and state officials sued in their

official capacities. Kentucky v. Graham, 473 U.S. 159 (1985). Although the state can waive this immunity from suit, plaintiff has presented no evidence suggesting that the State of Connecticut has done so in this case. See Edelman v. Jordan, 415 U.S. 651, 673 (1974) (holding that state may explicitly waive Eleventh Amendment immunity).

Defendants Faughnan and Vegliante are Connecticut State Police Troopers. Thus, they are immune from suit for damages in their official capacities. Although plaintiff states in opposition to the motion to dismiss that he seeks damages from defendants Faughnan and Vegliante in their individual capacities only, he does not make that distinction in the complaint.

Accordingly, the motion to dismiss [**doc. #40**] is **GRANTED** as to all claims for damages against defendants Faughnan and Vegliante their official capacities.

**SO ORDERED** at Bridgeport, Connecticut this 24th day of April 2008.

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/w/  
Warren W. Eginton  
Senior United States District Judge